

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of:	)	MB DOCKET No.: 04-191
SAN FRANCISCO UNIFIED SCHOOL	)	Facility ID No.: 58830
DISTRICT FOR RENEWAL OF	)	File No.: BRED-19970801YA
LICENSE FOR STATION	)	
KALW (FM), SAN FRANCISCO,	)	
CALIFORNIA	)	

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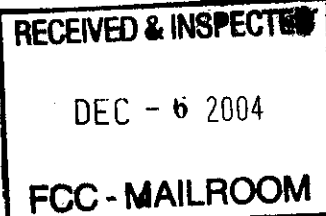
Deposition of: Jeffrey Ramirez

Pages: 1 through 141  
Place: Washington, D.C.  
Date: November 9, 2004

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of:                    ) MB Docket No.: 04-191  
  )  
SAN FRANCISCO UNIFIED                    ) Facility ID No.: 58830  
SCHOOL DISTRICT FOR RENEWAL            )  
OF LICENSE FOR STATION                   ) File No.: BRED-19970801YA  
KALW (FM), SAN FRANCISCO,               )  
CALIFORNIA                                 )

Deposition of:

JEFFREY RAMIREZ

a witness of lawful age, taken on behalf of the Federal Communications Commission, pursuant to notice, in the offices of the Federal Communications Commission, The Portals, 445 Twelfth Street, N.W., Washington, D.C., on Tuesday, November 9, 2004, at 11:10 a.m., before Theodore Fambro, Notary Public in and for the District of Columbia, when were present:

APPEARANCES:

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APPEARANCES: (Cont'd)

On behalf of the Commission:

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DANA LEAVITT, Esquire  
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I N D E X

WITNESS:

Jeffrey Ramirez

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Deposition Began: 11:10 a.m. Deposition Ended: 4:43 p.m.

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E X H I B I T S

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Ramirez 12	104	1995 Supplemental Ownership Report
Ramirez 13	106	Report of KALW NPR programming for summer quarter 1992
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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
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Ramirez 17	128	1/30/98 Memo to Palacios from Ramirez
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Ramirez 20	134	2/24/93 Employment Log
Ramirez 21	135	Quarterly Issues for AIDS Update

P R O C E E D I N G S

(11:10 a.m.)

MR. SHOOK: Swear in the witness, please.

THE REPORTER: Today is November 9, 2004.

My name is Ted Fambro. I'm a notary public for the District of Columbia. We're here at the FCC for the deposition of Jeffrey Ramirez. Would you raise your right hand, please.

Whereupon,

JEFFREY RAMIREZ

having been duly sworn, was called as a witness and was examined and testified as follows:

THE REPORTER: Okay. Thanks.

EXAMINATION BY COUNSEL FOR THE COMMISSION

BY MR. SHOOK:

Q Would you state your full name, please?

A Jeffrey P. Ramirez.

Q And the P stands for?

A Pascua.

Q Could you spell that for the court reporter?

A P-A-S-C-U-A.

Q Your current home address?

A 12004 Ashleigh Drive, North Bethesda,  
Maryland 20852.

Q Could you briefly describe your educational

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1 background post high school?

2 A Post high school. I have a bachelor's  
3 degree in mass communications with an emphasis in  
4 journalism and advertising from San Diego State  
5 University.

6 Q What is your current occupation?

7 A My title is manager of radio projects and  
8 programming at the Corporation for Public  
9 Broadcasting. Essentially, I'm a project officer on  
10 grant funded projects at the CPB.

11 Q What does that entail?

12 A My work entails the review and -- well, the  
13 solicitation and the review and evaluation of grant  
14 proposals from public radio producers at the local  
15 level, the network level and the national level. For  
16 instance, projects that I manage include the grant  
17 that we make to National Public Radio to produce  
18 programs like the Tavis Smiley Show, the day-to-day  
19 news magazine program, and smaller grants to  
20 independent producers to produce limited series  
21 documentaries like a Leonard Bernstein documentary  
22 special.

23 Q How long have you been in that position?

24 A I started in April 1998, so six and a half  
25 years.



1 Q Before the job with CPB, where did you work?

2 A I was the general manager at KALW in San  
3 Francisco.

4 Q On occasion, I may slip back and forth  
5 between general manager and station manager. Is there  
6 any real difference between the two?

7 A Industry-wide, no. I think they're  
8 interchangeable.

9 Q But in terms of at the station, KALW, was  
10 the proper title general manager? If so, I'll try to  
11 use that.

12 A Yeah. Yeah.

13 Q Prior to working as general manager at KALW,  
14 what employment did you have?

15 A I was a talk show producer at KPBS radio in  
16 San Diego. It's a public radio station licensed to  
17 San Diego State University. There was also a public  
18 TV station, so I produced some TV programs there as  
19 well.

20 Q First of all, for what period of time were  
21 you the general manager at KALW?

22 A I started in August 1996, and I left in  
23 January 1998.

24 Q Prior to working at KALW, what was your  
25 tenure at the other station that you mentioned?

1           A     I started at KPBS in 1990 -- or 1988 -- as a  
2     student employee. I was actually working in the  
3     mailroom, sorting mail and delivering mail. I started  
4     as a producer in 1991 and then acted as the talk show  
5     producer for 1991 until I left in 1996.

6           Q     Prior to becoming general manager at KALW,  
7     did you have a managerial job of any type in public  
8     radio?

9           A     No, though as the talk show producer at KPBS  
10    I was the production manager for local programming,  
11    for local program productions.

12          Q     What type of management responsibilities  
13    were involved there?

14          A     It included managing a staff of producers  
15    that included two hosts, a couple of associate  
16    producers and some student interns.

17          Q     Those managing responsibilities, did they  
18    include hiring and firing?

19          A     No. Well, I hired people. I never fired  
20    anyone. I did do performance evaluations, but it was  
21    never with the intent to fire anyone, so I don't know  
22    if I did that. Yeah, I never fired anyone. I hired  
23    people.

24          Q     You may have had the authority to fire  
25    someone but you didn't have to --

1 A Correct.

2 Q -- or you chose not to, either way?

3 A Correct.

4 Q Now in terms of other management  
5 responsibilities, you had mentioned performance  
6 evaluations. What was involved with that?

7 A At KPBS?

8 Q Yes.

9 A At the station, we used a standardized form  
10 that was provided to us by the San Diego State  
11 University Foundation. The foundation is the  
12 auxiliary organization that manages -- that has  
13 oversight of the TV and the radio station for San  
14 Diego State University. So I would fill out that form  
15 and then meet with the employees and then go over the  
16 evaluation form. Yeah, that was the process.

17 Q In connection with the job at KPBS, did you  
18 have responsibilities with respect to that station's  
19 public inspection file?

20 A No.

21 Q Lucky you. How is it that you became the  
22 general manager of KALW?

23 A I was at the public radio conference.  
24 Public radio annually holds a convention here in  
25 Washington. In 1996, the convention was here in 1996.

1 I met Enrique Palacios, who at the time was the  
2 special assistant to the superintendent for the San  
3 Francisco Unified School District. He was there  
4 recruiting for the general manager position. I didn't  
5 know it at the time, though, when I ran into him. I  
6 think he took an interest in me because I attended the  
7 California public radio meeting which was held at the  
8 conference.

9 He took an interest in me. He asked me  
10 about my background, what I did at KPBS. He told me  
11 about the job and asked me to apply. I did, and so  
12 that's how I got the job.

13 Q So you interviewed with Mr. Palacios?

14 A I interviewed with Enrique and interviewed  
15 with a committee, an interview committee in San  
16 Francisco. They're probably a committee of four or  
17 five people.

18 Q Do you remember any of them?

19 A No, I don't remember who was on the  
20 committee.

21 Q Now, prior to becoming general manager at  
22 KALW, did you have an opportunity to meet any of the  
23 staff?

24 A No.

25 Q So you started as general manager at KALW, I

1 think you said it was in August 1996?

2 A Correct.

3 Q So on the day you walked into the station to  
4 assume your responsibilities is basically the first  
5 day you were meeting staff?

6 A Correct.

7 Q Prior to the time you became general  
8 manager, had you been to the physical location of KALW  
9 to see what it looked like?

10 A No.

11 Q Were you given any advance notice as to who  
12 the various people were that you were going to be  
13 working with, like a list of names or just who these  
14 people were and what they were doing?

15 A No, not as part of the hiring process.  
16 Having working in California and being familiar with  
17 California public radio stations, I was familiar with  
18 the station generally, that they were one of the four  
19 or five public radio stations in San Francisco and  
20 that the station, especially in the aftermath of the  
21 1989 earthquake, was kind of like a troubled station,  
22 especially in the aftermath of a format change at  
23 KQED, which is the other public radio station in San  
24 Francisco.

25 At the time, I think this was in the late

1     eighties, KALW was San Francisco's main public radio  
2     station carrying the NPR flagship programs, like  
3     Morning Edition and All Things Considered and Fresh  
4     Air. KQED at that same time was mostly classical  
5     music. They changed their format. They went to news  
6     and information and became the principal public radio  
7     news and information station in the city.

8             KALW -- this is what we're aware of in  
9     California -- one of the stations in San Francisco,  
10    for lack of a better term, was now falling on hard  
11    times because their format niche had pretty much been  
12    taken by a larger station. So my awareness was they  
13    weren't doing too well programming-wise, because the  
14    other station had pretty much taken over the news and  
15    information format. Small station, kind of grounded  
16    in the kind of issues and concerns and problems that  
17    are often associated in our industry with stations  
18    that are licensed to -- what's the term, like a --

19            Q     A public entity?

20            A     Yeah, a public entity. My familiarity with  
21    managing a public radio or TV station pretty much was  
22    from KPBS in San Diego, where I was aware that the  
23    university had, for lack of a better term, given  
24    oversight of the station, management and oversight to  
25    the SDSU Foundation. That wasn't the case in San

1     Francisco, where the station still was directly under  
2     the oversight of the board of education, its board of  
3     directors, essentially.

4           Q     Did you get to meet any of the board of  
5     directors prior to becoming general manager at KALW?

6           A     No.

7           Q     But you had some idea of who these people  
8     were?

9           A     No. I had a sense of who they were in a  
10    sense that I knew that these were publicly elected  
11    officials.

12          Q     Did KQED, when it made its format change,  
13    take any of the NPR programming, or was that something  
14    that was exclusive to KALW?

15          A     NPR doesn't have exclusive arrangements for  
16    program carriage and for market to market.

17          Q     When KQED made its switch from classical  
18    music to news and information, did that also involve  
19    them taking some of the NPR programming that  
20    apparently had previously been the domain of KALW?

21          A     Yes, that's my understanding.

22          Q     I take it that KQED had a more powerful  
23    signal than KALW did?

24          A     Yes. KQED covers a greater area than the  
25    KALW transmitter.

1           Q     So when you came in as general manager, it's  
2     with this background that KQED is now basically a  
3     direct competitor, if you will, in terms of the news  
4     and information programming that KALW was programming?

5           A     Personally, I didn't see it as a competitor.  
6     It would have been unwise for a station the size of  
7     KALW with its resources and capacity and its governing  
8     structure and its signal range to compete with KQED  
9     with the same programming. In my mind, the best  
10    approach for KALW would have been to not necessarily  
11    drop the programming that overlapped with KQED's  
12    programming but perhaps carry it at a different time.  
13    For instance, on the west coast, Fresh Air, an  
14    interview program hosted by Terry Gross, on the west  
15    coast, we could air the program as early as 9:00 in  
16    the morning.

17                Most stations around the country aired the  
18    program at 1:00 in the afternoon. When I got to the  
19    station, KALW and KQED were both airing Fresh Air at  
20    the same time, at 1:00. KQED at 9:00 in the morning  
21    was and still airs their local public affairs program,  
22    hosted by Michael Krasny. I figured I'll move Fresh  
23    Air to 9:00 in the morning, a very distinct program  
24    from Michael Krasny's programming, and serve our  
25    audience that way.



1           Q     What directive, if any, were you given prior  
2     to becoming general manager in terms of where you were  
3     going to take KALW from a programming standpoint?

4           A     Well, the station is a dual mission station,  
5     which in the public radio industry, when any manager  
6     hears that the station has a dual mission, you run as  
7     far away or you run away as fast as you can, because  
8     to the degree that if you have a mission to serve the  
9     listeners, you do that as well as you can. You serve  
10    listeners by airing high quality programming,  
11    scheduling it in such a way so that it isn't  
12    duplicative, like moving Fresh Air to 9:00.

13                The station's other mission is to serve  
14    students. One of the things that -- I felt good about  
15    doing this -- was involving students to a greater  
16    degree in station operations. I believe many of the  
17    staff thought that the implementation of involving  
18    students more, at a greater level in the station, was  
19    with respect to having a student host Morning Edition  
20    or actually produce programming. In my mind that, in  
21    fact, would have been a disservice to presenting high  
22    quality programming.

23                So we did involve students, but more in the  
24    station operations, as interns, to provide them with  
25    exposure to station operations. The station, in fact,

1 to this day at the school -- I think Burton High  
2 School still has the same emphasis -- is a media  
3 magnet school, so they have media and communications  
4 classes. We started working with, I think, the  
5 journalism professor, or the journalism teacher, whose  
6 classroom was across the hallway from the radio  
7 station and started to involve his students in the  
8 station operations.

9 Q While you were general manager, was there a  
10 move at the station, or had the move taken place  
11 before you became general manager?

12 A Yes, the station did move. When I arrived  
13 at the station, the new station, or the new offices  
14 and studios, were still under construction. They were  
15 probably about a quarter of the way there. So for the  
16 first three or four months of my tenure there at KALW,  
17 my main focus was on working with the contractors to  
18 build the offices and studios and plan and prepare for  
19 the move to the new station. The new station -- I say  
20 a new station, but it's not as though it was a station  
21 built from the ground up. It occupied -- it was built  
22 inside of a wing of Burton High School.

23 Q That was a high school that was already  
24 there, so this area was simply being rehabilitated to  
25 allow it to accommodate the radio station?

1           A     Correct, doing the subfloors, wiring,  
2     dedicated restrooms.

3           Q     So when you first became general manager,  
4     where physically was the radio station?

5           A     Physically, it was located on Harrison  
6     Street, just off of the mission district in San  
7     Francisco, literally located inside of the John  
8     O'Connell High School gymnasium. So they had built a  
9     radio station inside the gymnasium.

10          Q     And you were at that location for, what,  
11     four to six months?

12          A     Yeah, that sounds about right. We moved  
13     sometime around the new year.

14          Q     Do you know how long the radio station had  
15     been at the O'Connell High School prior to your  
16     arrival as general manager?

17          A     Well, the radio, as far as I know, it had  
18     been there its whole time. The O'Connell -- the  
19     station was located a building located on the  
20     O'Connell High School campus. It was a different  
21     building that was subsequently destroyed by the  
22     earthquake.

23          Q     The 1989 earthquake?

24          A     Yes, the Loma Prieta earthquake. Then the  
25     station was then relocated to the gymnasium, which --

1 the building survived the earthquake.

2 Q When you became general manage of KALW, did  
3 you have any inkling that there was any kind of  
4 discontent of the staff for any reason whatsoever?

5 A Sure. The word or the buzz in California  
6 public radio, in fact, around the country, was that  
7 KALW is a difficult station to manage. The staff  
8 members had a sense of privilege because they were  
9 civil service employees, which is a problem that  
10 cannot not be overcome, because I know that over at  
11 KQED in its early years before it really took  
12 advantage of its capacity and fully realized its  
13 potential that several of the on air talent and on air  
14 announcers, not necessarily civil service employees,  
15 but they were members of a union that ensured that  
16 they would be employed at the station.

17 But the station dealt with those  
18 circumstances accordingly and built a fantastic  
19 operation around the existing staff. That was one of  
20 my hopes for the station, to build a fantastic  
21 operation around the existing staff.

22 Q When you walked in and became general  
23 manager, was there a hierarchy of staff employees in  
24 terms of there were a couple of people who were in  
25 charge of an area? If so, who were those people and

1     what were they doing?

2           A     The station was very -- had very limited  
3     staffing. There were literally only five employees,  
4     enough to meet the community service grant criteria  
5     from the Corporation for Public Broadcasting to  
6     receive federal funding.

7           Q     Now, when you say five employees, are you  
8     speaking in terms of --

9           A     Full time.

10          Q     -- full time, employed by the school  
11     district as civil service employees, whatever it is  
12     they were doing?

13          A     Correct.

14          Q     Who were those individuals, and what were  
15     they doing?

16          A     One position is the general manager  
17     position. The other -- there's a program manager  
18     position. I believe that's the position that Bill  
19     Helgeson, the operations manager, holds.

20          Q     So you basically had two hats, then?

21          A     Well, this is how you manage employment in  
22     the civil service system. There are positions with  
23     titles, like program manager. Then you hire in that  
24     position to fulfill a function, a different function  
25     at the station.

1 Q It sounds like us.

2 A So there is the program manager position,  
3 and then announcer positions. I think one of the  
4 announcers -- I don't know if he's still at the  
5 station, Alan Farley, JoAnn Marr, and the chief  
6 engineer.

7 Q Who was?

8 A At the time I started at the station, the  
9 chief engineer was Dave Evans.

10 Q So the individuals that you just named are  
11 basically the full time staff of the radio station,  
12 but I take it there were other people who provided  
13 some kind of service to the station?

14 A Yeah. Within civil service, there is a  
15 category called "as needed." These are temporary,  
16 hourly, casual folks who we employ as needed, as fill-  
17 in announcers. You can't run a station with two full-  
18 time announcers.

19 Q Well, there was a fellow back in the  
20 seventies, I think, who tried to do that for a while.  
21 He ran it solo, a guy named Geller?

22 MS. LEAVITT: Not Henry Geller?

23 MR. SHOOK: No, not Henry. Simon Geller, I  
24 think his name was.

25 THE WITNESS: So they were part-time, but

1 the civil service classifications as needed. There  
2 might have been something, an as needed announcer/  
3 operator, but we refer to them as as needed staff.

4 BY MR. SHOOK:

5 Q Who was the person responsible for  
6 scheduling those individuals for whatever it was they  
7 were going to do?

8 A That would have been the operations manager,  
9 Bill Helgeson.

10 Q Did you personally ever get involved in the  
11 scheduling of those employees?

12 A No.

13 Q So scheduling was something generally within  
14 Mr. Helgeson's bailiwick, and you allowed him to do  
15 whatever it was that he did?

16 A Correct. Let me back up and say that, not  
17 wanting to get too involved in the detail of  
18 scheduling, I would express a preference for I'd  
19 rather have this announcer on the air in the morning  
20 versus this other announcer, who I saw wasn't as  
21 proficient or didn't sound as professional, but  
22 ultimately, Bill was the one who had to sort out --  
23 these were folks who otherwise had jobs elsewhere. It  
24 was kind of a like a phone tree. Bill would have to  
25 call one person, are you available, can you come in,

1 and go down the tree.

2 I'm fairly sure I would have stated a  
3 preference, like call this person first, then this  
4 person, then this person, to make sure we had the best  
5 person on the air.

6 Q It sounds like if you're going to work a job  
7 like that, you'd better have something else.  
8 Otherwise, you're not going to eat very well.

9 A Yes.

10 Q Now, when you became the general manager,  
11 did you have any understanding as to what Commission  
12 rules there were regarding a public inspection file?

13 A Honestly, I didn't. My background was in  
14 programming, production and fundraising. I think that  
15 that's what attracted Enrique to me, because he knew  
16 the station needed to improve its programming. He  
17 wanted to serve students. He wanted to start --  
18 involve the students more in station operations and  
19 production. Fundraising -- the station was -- aside  
20 from the space and the administrative overhead, the  
21 subsidy that the school district provided, the station  
22 was pretty much on its own with respect to paying  
23 bills.

24 Q So one of your principal jobs would have  
25 been to scare up more money?



1           A     Yeah, scare up more money, yeah, to raise  
2     funding.

3           Q     In terms of the students, you had mentioned  
4     students before and some programs. What specific  
5     programs were students involved in, and what was your  
6     role in that?

7           A     We hired another person in the program  
8     manager position. Her name was Anna Perez, and her  
9     principal duty was to build out the program that we  
10    would put in place to involve the students. It was  
11    kind of one of these unfunded mandate kind of things.  
12    The board and the superintendent said we needed to  
13    involve students more in station operations. We  
14    didn't have the funding for it.

15                One of the things that Anna and I worked on  
16    was a funding proposal to the Corporation for Public  
17    Broadcasting through the education department, to fund  
18    a series of initiatives to really support students in  
19    their efforts at the station. I don't remember what  
20    those specific initiatives were today.

21           Q     Did any of those funding proposals get  
22    granted?

23           A     No. The proposal was still before the CPB  
24    at the time I left in 1998.

25           Q     So other than that proposal to get money in

1 for student programs, were there any student programs  
2 in place that allowed students to come into the radio  
3 station on any kind of basis? If so, what did those  
4 students do?

5 A Yes, there were. I just don't remember  
6 exactly what those programs were.

7 Q Now, in terms of students coming in, were  
8 students coming to the radio station on any-kind of  
9 regular basis?

10 A Yes. We were located there at the high  
11 school, and the journalism classes were held right  
12 across the hallway from the station. Anna was the  
13 main liaison with the journalism teacher. I can't  
14 remember his name. I would sit in, time permitting,  
15 the workshops or the -- there are classes, but I can  
16 remember Anna sitting around in the classroom  
17 explaining to the students how the station was  
18 operated and then bringing them into the station, but  
19 I can't remember the specifics of how the students  
20 were involved in the station.

21 Q Were the students ever on air?

22 A I do remember the students being on air, but  
23 in a very controlled and produced fashion.

24 Q Were the students allowed to do any  
25 production or to do any engineering?

1           A     Not engineering. In order to produce the  
2     very high controlled, tape recorded, preproduced  
3     pieces that we aired, the students would have had to  
4     be involved in the production of that.

5           Q     Were student voices, for example, ever used  
6     in station identifications or in promotions of any  
7     kind?

8           A     No. I don't think I would have allowed  
9     that.

10           MS. LEAVITT: Can I just ask a question? I  
11     understand that the school continues, and I think the  
12     station did at the time, would read the lunch menu.  
13     I'm just wondering, did students ever get involved in  
14     reading the daily lunch menu?

15           THE WITNESS: Not on a regular basis. The  
16     school lunch menu was read by the morning edition  
17     host, Joe Burke, a couple times in the morning, like  
18     at 6:30, 7:30. I never encouraged him to have a  
19     student come in and read the lunch menu.

20           MS. LEAVITT: Okay. Thank you.

21           BY MR. SHOOK:

22           Q     Were students ever utilized as general  
23     office helpers at one time or another?

24           A     I don't remember.

25           Q     Maybe if I put it another way. If you could

1 describe for me what it was that students actually  
2 were able to do in connection with operating the radio  
3 station?

4 A I don't remember anything specific.

5 Q Would it be fair to say then that student  
6 involvement was generally limited to observing what  
7 was going on?

8 A No, I don't think it would be fair to say  
9 that. I would involve -- I would have urged the  
10 students to be involved in more than an observation  
11 capacity. I just don't -- I just can't remember any  
12 specifics of how students were involved.

13 Q That's fair enough. Now, I had asked just a  
14 very general question about the public inspection  
15 file. Once you became general manager, did you become  
16 aware that the station, in fact, had a public  
17 inspection file?

18 A I knew the station had a public inspection  
19 file, but it wasn't immediately after I started at the  
20 station. Not having the experience with managing the  
21 station's responsibilities to the FCC, it just wasn't  
22 on my radar. I had no -- I didn't know what the  
23 bearing was.

24 Q Was responsibility for the public inspection  
25 file a part of your job responsibilities?

1           A     I don't remember that. I don't remember if  
2     that was part of my job description.

3           Q     Now, I remember seeing a job description  
4     from a later point in time. I'm a little fuzzy as to  
5     whether or not the job description I saw would have  
6     related to your tenure. Offhand, you don't remember  
7     whether or not the position description you had  
8     imposed responsibilities on you for maintaining the  
9     public inspection file?

10          A     The job description that I saw was very  
11     limited. It was essentially -- it looked a lot like  
12     this page here on station letterhead, pretty much in  
13     the form of a job announcement, that Enrique handed  
14     me.

15          Q     So you weren't necessarily given a laundry  
16     list of duties, you shall be responsible for a, b, c,  
17     d, e, whatever?

18          A     No. Out of the frying pan into the fire.

19          Q     There's more than one way to get cooked.  
20     After you became general manager, did there come a  
21     time when any of the employees came to speak with you  
22     about the KALW public inspection file?

23          A     Yes. I was reminded that -- Dave Evans had  
24     in a meeting with me just a couple weeks into being on  
25     the job, had told me about the public files, but my

1 focus at the time really was on the construction and  
2 the planning and preparation of the move to the  
3 station. I think that that was the substance -- that  
4 would have been the substance of the meeting that I  
5 would have had with Dave as the chief engineer.

6 I do have a recollection that he did talk  
7 about the public files being in bad shape, but again  
8 because I didn't have the awareness of the  
9 responsibilities to the FCC, I didn't know what the  
10 bearing was, so I didn't know what to make of it.

11 Q Was there anybody at the station who, to  
12 your understanding, took responsibility for  
13 maintaining the file in any way?

14 A Not that I remember. I remember when I was  
15 shown where the public file was located, in a filing  
16 cabinet, but again I didn't know what to make of it.

17 Q In terms of being shown the public file,  
18 were you simply shown, okay, here's a set of public  
19 file drawers and the public inspection file is in  
20 there, or did somebody actually pull out one or more  
21 drawers and say here it is?

22 A I don't remember. What I remember is,  
23 there's the filing cabinet, that bottom drawer is  
24 where the public file is.

25 Q Now, I think you mentioned that you started

1 in August 1996. Were you aware of an election in  
2 November 1996 concerning the makeup of the board of  
3 education?

4 A No.

5 Q Did you have any awareness that the  
6 membership of the San Francisco Board of Education  
7 changed at all as a result of a November 1996  
8 election?

9 A Yeah.

10 Q What awareness did you have?

11 A I'm not big into politics. What I knew is  
12 that the board of education, that one or two positions  
13 from time to time are subject to election and that  
14 they change. My familiarity or my interaction with  
15 the board was fairly nil. Enrique Palacios was my  
16 principal liaison or my principal contact with the  
17 board of education and with the office of the  
18 superintendent. So what was happening at the board of  
19 education level hardly -- that was another thing that  
20 was hardly ever on my radar. I was more concerned  
21 with managing and operating the radio station.

22 Q Did you receive any advice from anyone  
23 following the November 1996 election that it may be  
24 necessary to update the station's ownership  
25 information by preparing and filing with the FCC an

1 ownership report or supplemental ownership report?

2 A No.

3 Q Did you receive any advice from anyone  
4 following the November 1996 election that it may be  
5 necessary to update the station's ownership  
6 information by placing an updated ownership report or  
7 supplemental ownership report in the KALW public  
8 inspection file?

9 A No.

10 Q When you became the general manager, were  
11 you aware of any obligation to update KALW-FM's public  
12 inspection file with quarterly issues programs lists?

13 A No.

14 Q Did there come a time after you became  
15 general manager that this was brought to your  
16 attention?

17 A I think my first real awareness of the  
18 obligations and responsibilities that the station has  
19 to the FCC was the result of receiving the license  
20 renewal notification and then going through and then  
21 examining the paperwork that came, or examining the  
22 application and the paperwork that came with that.

23 Q We'll go into a little more detail about  
24 that in a bit. This is a question similar to the last  
25 one I asked you, but it's a little bit different.



1 While you were the general manager, did you become  
2 aware of an obligation to update the station's public  
3 inspection file with quarterly issues programs lists?

4 A Yes. It was at the time of filling out the  
5 application, the renewal application.

6 Q Now, once you became aware that these  
7 obligations existed, did it come to your attention  
8 what procedures the station had for updating the  
9 public file with respect to issues programs lists?

10 A I'm not sure I understood your question.

11 Q You had mentioned that when you started to  
12 examine the license renewal materials, that was when,  
13 I guess, it was brought to your attention or that  
14 there was more of a focus on what was involved in  
15 maintaining a public inspection file. My question is,  
16 were you aware of or did you become aware of any  
17 procedures that were in place for updating or  
18 maintaining the public inspection file?

19 A No. I don't think I knew what the station's  
20 procedures at the time were for placing lists in the  
21 public file.

22 Q Subsequent to that initial awareness that  
23 there was some obligation, did it come to your  
24 attention what procedures, if any, were in place for  
25 maintaining or updating the public inspection file?

1           A     No. I don't remember.

2           Q     Would it be fair to say that responsibility  
3     for maintaining or updating the public inspection  
4     file, you viewed it as somebody else's responsibility?  
5     If so, who would that person have been?

6           A     I don't think I viewed it as someone else's  
7     responsibility. I think I would have seen it as my  
8     responsibility to make the public inspection file  
9     complete.

10          Q     At some point did you undertake an effort to  
11     do so?

12          A     Sure.

13          Q     What was involved in that effort?

14          A     I do remember working with the producers of  
15     one of the public affairs programs that the station  
16     aired and asking him to place into the public file the  
17     lists to make it complete.

18          Q     First of all, do you remember which person  
19     you're referring to now?

20          A     Yeah. It was John Covell -- he was the  
21     producer of a program called City Visions -- and Rose  
22     Levinson. She's the host of the program, but John is  
23     the one who I mainly worked with because he was able  
24     to come in during the day. The program aired in the  
25     evening at 7:00 or 8:00, and Rose only came in in the

1       evenings.

2               Q       Whatever it was that John did, was that  
3       document or documents run by you first before it was  
4       put in the station's public file?

5               A       I don't remember.

6                               (The document referred to was  
7                               marked for identification as  
8                               Ramirez Exhibit No. 1.)

9               BY MR. SHOOK:

10              Q       Now, if need be, I can give you an entire  
11       application, but I'm going to show you a portion of  
12       the application that so far as we know you filled out.  
13       The question that I want you to focus on is Question  
14       No. 2. That question reads, "Has the applicant placed  
15       in its public inspection file at the appropriate times  
16       the documentation required by 47 C.F.R. Section  
17       7335.26 and 7335.27?"

18                      There are three different boxes there,  
19       basically, that can be marked in some fashion, a yes  
20       and no, and an exhibit number. The "yes" box is  
21       checked. Is that something that you did?

22              A       Yes.

23              Q       You intended to check yes?

24              A       Yes.

25              Q       Now, in terms of answering the question yes

1 as opposed to no, did you have occasion to read either  
2 one of the two rules that are referenced there,  
3 7335.26 or 7335.27?

4 A I would have referred to the rules and read  
5 them, yes.

6 (The document referred to was  
7 marked for identification as  
8 Ramirez Exhibit No. 2.)

9 BY MR. SHOOK:

10 Q Now, this is a bit of ancient history here,  
11 since the Commission has always thought of tinkering  
12 with its rule. Anyway, this particular rule that I'm  
13 showing you, not the entirety of, I believe, but at  
14 least it starts -- you see 7335.27 and that is the  
15 rule that deals with noncommercial educational  
16 stations, so this is the rule that would have applied  
17 to KALW, as opposed to 7335.26, which applies to  
18 commercial stations. The rules are very similar, but  
19 in any event, there are two different rules.

20 Now, just if you would, if you could glance  
21 through what I have copied here. It begins on page  
22 317 of that edition of the rules and then carries over  
23 to the next page. You had mentioned that you had  
24 looked at the rule prior to responding to the question  
25 or prior to filling out the form and answering yes to

1 the question?

2 A Yes.

3 Q Now, with respect to the issues programs  
4 list that happens to be mentioned in (a)(7), I know  
5 there may be a fair amount to parse here, but one of  
6 the things that the rule speaks to is that these lists  
7 are supposed to be prepared on a quarterly basis and  
8 placed in the public file on a quarterly basis. Do  
9 you see that?

10 A Yes.

11 Q Prior to answering the renewal application  
12 question, did you personally look at the public file  
13 to see what, in fact, was in there from a quarterly  
14 issues programs list standpoint?

15 A Yes.

16 Q Did you see that the file was complete at  
17 the time you first looked at it, or was there  
18 something missing which caused you to ask Mr. Covell  
19 to prepare a document?

20 A Yes. Certainly, there were things missing.

21 Q What did you understand to have been  
22 missing?

23 A The program list or an issues list.

24 Q When you looked at the public file, was it  
25 organized in any particular fashion that would allow

1     you to go back to a particular year and look at the  
2     first quarter of 1993 and see was something there or  
3     it wasn't there?

4           A     I don't remember it being organized in that  
5     way. It was disorganized.

6           Q     I know this is going to be a challenge. A  
7     lot of this is a challenge because we're talking about  
8     things that happened so long ago. But, when you  
9     looked at the public file, if you could give us a  
10    general idea of what it looked like when you saw it,  
11    in terms of how it was organized, what was there, what  
12    wasn't there? Just do the best you can with that.

13          A     What it looked like? I can remember opening  
14    up that bottom drawer and seeing a lot of file  
15    folders. The drawer was nearly full of file folders.  
16    I remember being overwhelmed by what I saw in the  
17    drawer.

18          Q     I guess to put this in some kind of context,  
19    you would have received the license renewal  
20    application in blank what, maybe a month before it was  
21    supposed to have been filed?

22          A     I don't remember when I received the  
23    application form.

24          Q     I guess what I'm getting at is, there was a  
25    date certain that you knew that the application had to

1 be completed and sent to the FCC.

2 A Correct.

3 Q Then there would have been a period of time  
4 before that when, in order to answer the questions,  
5 you would have had to undertake various activities.

6 A Correct.

7 Q And in connection with the public file, in  
8 this particular instance, one of the things that you  
9 did was simply pull out the drawer and see what was  
10 there and go ahh?

11 A Correct.

12 Q Now, in connection with the public file, had  
13 you asked anybody to look at that public file before  
14 to try to give you an idea of what was there and what  
15 needed to be done in order to fix it up?

16 A Yeah. I do remember asking a volunteer --  
17 her name was Susan Hecht -- to put the file in order  
18 so that I could go through it.

19 Q Did she do that?

20 A I think I remember that what she did or what  
21 she gave me wasn't what I was expecting, and I didn't  
22 find it helpful.

23 (The document referred to was  
24 marked for identification as  
25 Ramirez Exhibit No. 3.)

1 BY MR. SHOOK:

2 Q In terms of what she gave you, a document  
3 that we haven't even really talked about yet called a  
4 petition to deny, had as an Exhibit P, a four page  
5 document that I'm now showing you. Is this the  
6 document that you're referring to that Susan Hecht  
7 prepared and gave to you?

8 A Yeah, this is what she gave me.

9 Q Just to the casual outside observer looking  
10 at this, this appears to be her assessment of what was  
11 actually in the file?

12 A Correct.

13 Q From what you just mentioned a little while  
14 ago, what you had wanted her to do was not just tell  
15 you what was in the file but organize it in some  
16 fashion or somehow make the file as it was supposed to  
17 be?

18 A Yeah. What I wanted to do -- this is what I  
19 remember wanting to do. I wanted to go through the  
20 file myself, but I didn't feel that, based on what I  
21 saw in there, that it was ready for me to go through,  
22 because there was a lot of stuff in there.

23 Q So when you first pulled out the file  
24 drawer, it was like oh-oh, got a problem here, and  
25 then you asked Susan to do what?



1           A     I don't exactly remember what I asked Susan  
2     to do. I just remember that I asked her to do  
3     something. What she gave me I didn't find helpful.  
4     Plus, the other thing, too, was I think she gave this  
5     to me way past when I needed it. She wasn't at the  
6     station on a daily basis. I think she came in once or  
7     twice a week. My hands were really full with other  
8     things at the station, and I, for the most part needed  
9     to work fast and work quickly.

10           This probably wasn't the right work to give  
11     a volunteer. You know, given that I had the primary  
12     responsibility for filling in the application, I  
13     needed to do it myself. I did a lot at the station on  
14     my own, not having a lot of help.

15           Q     When there aren't many hands there, you  
16     don't have much choice.

17           A     Yeah. So I needed to move on and do the  
18     work that needed to be done. I didn't make much use  
19     of this list by the time that I got it.

20           Q     Now, we understood from various allegations  
21     that went back and forth that this document, the  
22     license renewal materials and file at present, Exhibit  
23     E to the petition to deny, was given to you sometime  
24     in June 1996, which would have been approximately a  
25     month to a month and a half before the license renewal

1 application was actually filed. Does that sound about  
2 right to you?

3 A You said 1996. I think you meant 1997.

4 Q If I said 1997, I meant 1996. Excuse me.  
5 All right. Let me try that again. As I understand  
6 it, the list was given to you in June 1997 -- I think  
7 I've got the year right now -- and that the license  
8 renewal application was due August 1, 1997, so  
9 anywhere from four to eight weeks you would have  
10 received this document from Susan, if it turns out  
11 that June timeframe is accurate.

12 A It's hard to remember. I don't remember  
13 exactly when I got it from her.

14 Q But you remember that it was relatively late  
15 in the day in terms of, now that you've got this  
16 report what do I do about the public file. It didn't  
17 really give you enough time to react, to do what you  
18 thought needed to be done?

19 A I think it was, yes. I had already started  
20 acting on the public file by the time I got this, so  
21 when I got this, it was -- I had already gotten to  
22 work.

23 Q This was old news?

24 A Yeah, that's a good way to put it.

25 Q Now, in terms of its accuracy, though, did

1     you have any feel in one way or the other in terms of  
2     whether or not Susan's report accurately captured what  
3     was in and what wasn't in the station's public file  
4     when she looked at it?

5           A     I didn't spend a lot of time with Susan's  
6     list. Quite frankly, this was also at a time at the  
7     station when I started to not know who to trust at the  
8     station, a lot of hostility, a lot of anger and  
9     resentment at the station. It's not that I didn't  
10    find that it was accurate. I never got to that point  
11    of analysis.

12           It was more that I didn't trust, and I hate  
13    to say this about someone who I asked to do something  
14    for me, because as a manager I hate to say that I  
15    didn't trust the people working for me, but I didn't  
16    trust a lot of the people that were working for me.  
17    So I wound up doing a lot of the work myself.

18           Q     Unfortunately, that happens on occasion.  
19    You just get stuck. In terms of the public file,  
20    though, when you were looking through the public file,  
21    one of the things that you mentioned was that you  
22    asked Mr. Covell to prepare a document to be placed in  
23    the file.

24           A     Correct.

25    //

1 (The document referred to was  
2 marked for identification as  
3 Ramirez Exhibit No. 4.)

4 BY MR. SHOOK:

5 Q I'm going to show you a document that was  
6 attached to the petition to deny as Exhibit O and ask  
7 you whether this document means anything to you.

8 A Yeah, it means something to me. I've seen  
9 this before.

10 Q Do you remember in what context you saw it,  
11 who may have prepared this document, what its purpose  
12 was?

13 A Well, I can tell this JC is John Covell.  
14 I'm going to say John Covell.

15 Q So under producers, there appear to be a  
16 series of initials?

17 A Right.

18 Q And those initials would represent whom? If  
19 you could identify each set of initials for us? You  
20 mentioned JC was John Covell.

21 A It has to be John Covell, because these  
22 would have been topics for City Visions. RL would be  
23 Rose Levinson, the host.

24 Q Now, there are a number of other initials  
25 noted. It looks like BM.

1           A     Yeah, there were a boatload of producers or  
2     assistant producers. John and Rose were the main  
3     producers. The other folks, I don't know who they  
4     are.

5           Q     So you don't know who BM is, next to the  
6     date 6/12/95?

7           A     No.

8           Q     Or SS next to the date of 6/19/95?

9           A     No.

10          Q     Or LH next to the date of 7/24/95?

11          A     No.

12          Q     KB next to the date of 12/18/95?

13          A     No.

14          Q     We know JC, but KA next to the date of  
15     6/24/96?

16          A     No.

17          Q     Then EF along with BM, next to the date of  
18     1/6/97?

19          A     No.

20          Q     Or MI next to the date of 7/7/97?

21          A     No.

22          Q     Do you know whose handwriting this is? 7/23  
23     is written in handwriting in the upper right hand  
24     corner of the document?

25          A     No.

1 Q That wasn't you?

2 A No.

3 Q As far as you can recall, is this Exhibit O  
4 the document that Mr. Covell produced at your request  
5 for inclusion in the public file?

6 A I don't remember.

7 Q You do have some recollection, though, that  
8 whatever document it was that Mr. Covell produced you  
9 saw before it went into the public file?

10 A I don't know if I ever saw it before it went  
11 into the public file. I knew it was in the public  
12 file, but I don't remember -- I really don't remember  
13 reviewing it or seeing it before it got placed into  
14 the public file.

15 Q Now, other than yourself, you mentioned that  
16 you looked at the public file to see what was there,  
17 and Susan Hecht, you had asked her to look at the  
18 public file. Was there anybody else that you had  
19 asked to look at the public file to see what was  
20 there?

21 A I don't remember asking anyone else.

22 Q Do you recall at any time while you were  
23 general manager that Mr. Helgeson had any  
24 responsibilities vis-a-vis the public file?

25 A I wouldn't say that Bill had a

1 responsibility, but Bill in a lot of cases was my  
2 liaison and my contact with the staff, so if there was  
3 an instance, or in the instance where I would have  
4 asked, I would have met with John, and said John, this  
5 is the situation we have, we need to correct the  
6 public file, can you come up with this list. I just  
7 don't think that John would have went to the file  
8 himself and would have done that.

9 Q But whatever it was that he did he might  
10 have given it to Bill in the first instance, and Bill  
11 would have placed it in the file?

12 A Correct.

13 Q Now, was Bill physically located somewhere  
14 near the public file, his desk or his office, or  
15 whatever it is that you would call it?

16 A By the time that we were in the new building  
17 or at the new station, Bill's "office" was something  
18 about the size of this room, in an open area  
19 partitioned by room dividers that were about five feet  
20 tall. The filing cabinet was in the area that was  
21 Bill's area, the operations area.

22 Bill wore a couple hats, so in this  
23 operations area I don't know how Bill had his area  
24 organized, but he probably had stations where, if I'm  
25 sitting here I'm the operations manager and I'm making

1 logs. If I'm sitting here, I'm scheduling the  
2 announcers and figuring out who needs to be where. If  
3 I'm sitting here, I'm putting together the record log,  
4 something like that.

5 Q It strikes me from what you've said that  
6 when you looked at the public file, you had an  
7 understanding that there were documents that should  
8 have been there that weren't there.

9 A Correct.

10 Q And that you, in turn, tried to take some  
11 step in order to make sure that whatever documents  
12 were required to be there were, in fact, ultimately  
13 placed there.

14 A Correct, to make the file complete. This is  
15 within -- my overall approach to the station was  
16 that -- the station had come out of a long period of  
17 difficulty following the earthquake, you know, being  
18 in the gymnasium. I needed to steady the station  
19 and -- steady the station and get on with business  
20 after being in a gym for seven years. So yeah, one of  
21 the things that I thought I needed to do was correct  
22 the file so that it was complete.

23 Q Now, if you go back and look at the way the  
24 renewal application is phrased, it makes a reference  
25 to appropriate times. Do you see that?



1           A     Correct.

2           Q     Did you have an understanding at the time  
3     you were looking at the renewal application that  
4     perhaps some of the documents that were supposed to be  
5     in the public file had not been there at the  
6     appropriate times?

7           A     I think that that's -- this is where I  
8     misunderstood the question.

9           Q     What did you understand the question to ask?

10          A     What I understood the question to ask was  
11     that upon my becoming aware that the file needed to be  
12     corrected and be made complete, that was the  
13     appropriate time. So, I did everything I could do  
14     while general manager to complete the file, because to  
15     the degree that I wasn't at the station before August  
16     1996, I couldn't do anything about the public file. I  
17     could only take corrective action, and the appropriate  
18     time to take corrective action was when I was there.

19          Q     Do you have a different understanding now?

20          A     For sure.

21          Q     What is your understanding now?

22          A     Given the passage of time, given the  
23     knowledge that I have from the Corporation for Public  
24     Broadcasting, working with the folks in our community  
25     service grants area who need to certify stations to

1 receive grants that they're in compliance, yeah, I  
2 have a different understanding of the rule now.

3 Q So if you take your current understanding  
4 and you bring yourself back to late July 1997, which  
5 box are you going to be checking then for that  
6 Question No. 2?

7 A I would have checked no, and I would have  
8 provided an explanation for the station's current  
9 situation at the time and what I saw, what I would do  
10 today. Given what I know today, what I would have  
11 done seven years ago would have been in accordance  
12 with the way we do business at the CPB, which is to  
13 explain, explain, explain, put things in writing, put  
14 your thinking down on paper. I didn't do that back in  
15 1997.

16 Q I have been periodically referring to a  
17 petition to deny. Do you recall such a document  
18 coming to your attention?

19 A Yes.

20 Q I take it it was a subject of some turmoil,  
21 or it caused some turmoil as a result?

22 A It was a huge distraction.

23 Q If you could step back in time and give us  
24 what your understanding of the context of that  
25 document was? Why were people within your own